

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

Connee S. Kercher,

Petitioner

20-VH-0070-AG-041

780809908

January 17, 2020

ORDER GRANTING DISMISSAL

On January 10, 2020, the Secretary filed a *Motion to Dismiss* seeking to dismiss, without prejudice, its action to pursue collection of the subject debt by means of administrative wage garnishment. Pursuant to 31 C.F.R. § 285.11(j), the Secretary is prohibited from garnishing the wages of a debtor whom he knows has been involuntarily separated from employment until the debtor has been continuously reemployed for at least 12 months. The Secretary requests dismissal of the instant action because "Petitioner has provided HUD's Financial Operations Center with information demonstrating that she was involuntarily separated from h[er] former place of employment and has not been continuously reemployed for at least 12 months."

Upon due consideration, and for good cause shown, the *Motion to Dismiss* is hereby **GRANTED**.

HUD shall retain the right to resume debt collection activities in the future, by means of administrative wage garnishment or by any other legally available means, should Petitioner's employment circumstances change.

The stay of referral issued on January 3, 2020 by *Notice of Docketing, Order, and Stay of Referral* is hereby VACATED shall it later be determined that Petitioner's employment circumstances have changed.

This matter of HUDOHA No. 20-VH-0070-AG-041 is hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED,



Vanessa L. Hall
Administrative Judge